

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-12175 - APPLICANT: MOON VALLEY NURSERY -
OWNER: AMERICAN GEAR REDUCTION, INC./WYCOFF NEWBERG
CORPORATION**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. This approval shall be subject to a one-year required review, in order for the applicant to demonstrate compliance with the conditions of approval for this site.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 04/26/06, except as amended by conditions herein.
3. Garden tools, supplies, and fertilizer and non - living material shall be stored only within an enclosed building or other area screened from view from any abutting streets or adjacent residential property.
4. Perimeter walls consisting of wrought iron panels with pilasters shall be constructed around the perimeter of the site by the applicant.
5. No temporary construction dumpsters nor storage containers shall be allowed on site.
6. A Waiver from Town Center Landscape Standards is hereby approved, to allow six feet of perimeter landscape area where 15 feet is required, to allow no trees in the parking area where 14 are required, and to allow two percent of open space where 20% is required.
7. The existing billboards on this parcel must be removed within 90 days of City Council approval.
8. No banners or temporary signs shall be placed on any perimeter walls or fences.
9. The applicant shall apply for a City of Las Vegas Business License within ten (10) days from the date of final approval of this decision.
10. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

11. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Construct half-street improvements on Tule Springs Road adjacent to this site and construct a minimum of two lanes of pavement, west of centerline, north from this site to the northern boundary of the adjacent parcel to eliminate a sawtooth condition within 24 months of City Council approval. Appropriate plan submittals and permits shall be approved and obtained as required by Clark County and/or the Nevada Department of Transportation for any work within those jurisdictions. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
17. Provide a copy of a recorded Joint Access Agreement between all four parcels that comprise Moon Valley Nursery prior to the issuance of any permits.
18. The proposed driveway accessing Tule Springs Road through the adjacent property to the north (Assessor's Parcel Number 125-17-802-005) should be designed, located and constructed in accordance with Standard Drawing #222A and shall be approved by the Nevada Department of Transportation and/or Clark County.
19. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Tule Springs Road public right-of-way adjacent to this site prior to the issuance of any permits.

20. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is a request for a Site Development Plan Review for Outdoor Storage/Sales and a waiver of the perimeter landscape requirements on 5.22 acres at the northwest corner of US-95 North and Tule Springs Road.

EXECUTIVE SUMMARY

The subject site consists primarily of an outdoor storage/sales lot for trees which will be an extension of the nursery located north of the subject site within Clark County. The submitted site plan shows that access will be obtained via an adjacent parcel to the north. The applicant's site plan does not comply with the required perimeter landscape requirements for the proposed use. In addition, the applicant's plans do not show compliance with the minimum street cross section requirements for the Town Center. Denial is recommended due to these insufficiencies.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 02/05/03 | The City Council voted to approve a Petition to Annex (A-0038-02) undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres. |
| 01/22/04 | The Planning and Development Department approved a request for an Administrative Site Development Plan Review (SDR-3410) for a proposed temporary garden supply facility adjacent to the west side of the intersection of Tule Springs Road and Sunny Springs Lane.. |
| 05/25/06 | Planning Commission will consider a companion request for a Site Development Plan Review (SDR-12175) for outdoor storage/sales and a waiver of the perimeter landscape requirements on 5.22 acres at the northwest corner of US-95 North and Tule Springs Road accompanies this Special Use Permit. |
| 07/01/05 | Code Enforcement cited the property for non-compliance with conditions set forth in SDR-3410. |
| 05/04/06 | The Clark County Assessor's office has changed the assessor parcel numbers as of May 4, 2006. The existing parcel numbers, 125-17-802-003 and 125-17-802-009 are now 125-17-802-009 and 125-17-802-011. |
| 05/25/06 | The Planning Commission recommended approval of companion item SUP-12177 concurrently with this application. |
| 05/25/06 | The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #59/ejb). |

B) Pre-Application Meeting

02/17/06 A pre-application conference was held to discuss the submittal requirements for a Site Development Plan Review and Special Use Permit.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

D) Building Permit History

The existing billboards on the subject site were both permitted on 01/19/05 and finalized on 10/05/05. There were no Special Use Permits required for the existing billboards as they were previously located in Clark County.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 5.22 acres

B) Existing Land Use

Subject Property: Outdoor Storage/Sales (Outdoor Nursery)
North: Nursery
South: US95/Baseball Fields
East: Single Family Residences
West: US95/Vacant

C) Planned Land Use

Subject Property: SC-TC (Service Commercial – Town Center)
North: SC-TC (Service Commercial – Town Center)/Clark County
South: PF-TC (Public Facilities – Town Center)
East: MLA-TC (Medium Low Attached – Town Center)
West: PF-TC (Public Facilities – Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center)
North: T-C (Town Center)
South: T-C (Town Center)
East: T-C (Town Center)
West: T-C (Town Center)

E) General Plan Compliance

The subject site is located in the Centennial Hills Sector of the General Plan and is designated T-C (Town Center). The Town Center Development Standards Manual designates this site as SC-TC (Service Commercial). This designation allows a variety of retail, service, and office uses of a more intense commercial character. The T-C (Town Center) zoning complies with the intent of that designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Town Center	X	
Special Overlay District		X
Trails		X
Rural Preservation Overlay District	X	
Development Impact Notification Assessment	X	
Project of Regional Significance	X	

Town Center

The subject site is located within the Town Center Plan Area with an SC-TC (Service Commercial – Town Center) special land use designation, which is intended for a variety of low intensity commercial uses.

Rural Preservation Overlay District

The project is located in the Rural Preservation Overlay District (RPOD) Buffer Zone. The project is also within the 330-feet of US95; therefore the subject site is not required to maintain a rural character.

PROJECT DESCRIPTION

The proposed project is an extension of an existing nursery located to the north of the subject site. The applicant is proposing:

- Outside Storage/Sales of Trees on the entire 5.22 acres.
- Parking is proposed to be provided on the adjacent property located in Clark County jurisdiction.
- No structures or buildings are proposed on the subject site. The primary sales building is located on the property to the north of the site.
- A new six foot high decorative perimeter wall is proposed.
- Six foot landscape setback along the east and south property lines are proposed. No details have been provided as to number of trees, plants or bushes within the landscape setback area.
- The submitted site plan shows that access will be obtained via an adjacent parcel to the north.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to the Town Center Development Standards Manual, the following standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Setbacks			
• Front	0-15 Feet Max.	0 Feet	Y
• Side	N/A	0 Feet	Y
• Rear	N/A	0 Feet	Y
Max. Building Height	2 Stories Min. / 12 Stories Max	None	Y

The proposed Outdoor Storage/Sales area is an expansion of an existing nursery located on an adjacent, Clark County parcel. There are no buildings proposed for the subject site under this application.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Outdoor Storage/Sales	193,540 SF.	1 space/2,500 GFA	78	4	82	4

The proposed development provides four more regular parking spaces than required. The applicant has also provided six loading spaces in addition to the regular parking requirement.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Uncovered Spaces	14 Trees	0 Trees
Buffer:			
• Min. Trees	1 Tree/ 30 Linear Feet	23 Trees	0 Trees
• Min. Zone Width	15 Feet (street frontage)		6 Feet
• Wall height	6 Feet		6 Feet

The provided landscape plan does not meet the current Title 19.10.010 and Town Center Development Standards for landscaping requirements. Tule Springs Road is designated as a Town Center Arterial Street. Arterial Streets require a minimum two-foot curb and gutter area, a three-foot amenity zone, and a five-foot sidewalk. The property is in the SC-TC zone, which also requires a 15 foot wide landscape planter between the proposed use and the right-of-way, in addition to the sidewalk, as required by the Town Center Development Standards, 2(B)(8). The applicant provides a total of six feet perimeter landscaping. Per Title 19.06.110(E), 20% of open space is required and 2% is provided. The open space requirement is not satisfied. No trees are indicated within the site plan. The applicant provides a six-foot decorative block wall. Town Center Standards specify that the block wall must also be 20% contrasting material. If approved, a condition of approval is included to require a revised plan be submitted within 30 days of approval. Staff must recommend denial due to the aforementioned deficiencies.

B) General Analysis and Discussion

- **Zoning**

The subject site is zoned T-C (Town Center), with a Town Center Plan land use designation of SC-TC (Service Commercial – Town Center). Outdoor Storage/Sales is permitted in the SC-TC District with a Special Use Permit.

- **Site Plan**

The site plan shows a commercial tree-growing lot with no accompanied building on the subject parcel. A related, retail building is located on an adjacent parcel within the Clark County jurisdiction. The parking area is accessed by a driveway that extends onto Tule Springs Road. The site plan does not show the required 15 foot landscape buffer in the SC-TC zone, nor does it show the required two-foot Town Center curb and gutter area, three-foot amenity zone and five-foot sidewalk. The site plan does not show adequate landscaping in both the parking area and along the perimeter of the property. The applicant indicated in a phone call with staff on 5/12/06 that Moon Valley will supply parking lot landscaping, perimeter buffer landscaping and Town Center streetscape as required by the conditions of approval of this Site Development Plan Review.

- **Waivers**

This project requires Waivers to allow a six foot perimeter landscape buffer where 15 feet is the minimum required, to allow a reduction in parking lot landscaping requirements and to allow the removal of the Town Center Arterial Street standards. Staff is not in support of these Waivers as the applicant is attempting to overuse the site and could offer a product that would eliminate the need for these Waivers.

- Landscape Plan

The landscape plan for this project indicates a six-foot buffer area with no trees or shrubs. A revised landscape plan is required as a condition of approval.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed tree-growing yard is not compatible with surrounding development. Although the use of the site is compatible with the area, the applicant is attempting to develop the site without providing sufficient landscaping and without installing the required Town Center Arterial streetscape as outlined in Figure 2B of the Town Center Development Standards Manual. The parcel could be developed using a site plan that complies with Town Center development standards.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

As the document stands currently, it is not compliant with the Town Center Development Standards. The site plan does not show the required 15 feet of streetscape required to accompany a Town Center Arterial Street in the SC-TC zone, the required parking lot landscaping, or the twenty percent contrasting materials on the perimeter block wall. Therefore, staff recommends denial.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The site has primary access off of Tule Springs Road, which is a Town Center 80-Foot Arterial Street.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

Landscape materials were not provided as part of the landscape plan.

5. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The public health, safety, and general welfare will not be compromised by approval of this project.

PLANNING COMMISSION ACTION

The Planning Commission amended conditions 1, 4, 5, 8 and 9. The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 156 by Planning Department

APPROVALS 0

PROTESTS 1259